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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/186,902	11/06/1998	DAVID JOHN PUNG	6937	2420

27752 7590 07/19/2002

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INTELLECTUAL PROPERTY DIVISION  
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CINCINNATI, OH 45224

EXAMINER

PIERCE, JEREMY R

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 07/19/2002

15

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/186,902

Applicant(s)

PUNG ET AL.

Examiner

Jeremy R. Pierce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,7,8 and 11-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,8 and 11-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Amendment***

1. Amendment D, filed on May 29, 2002, has been entered. Claims 1, 11-13, and 15 have been amended. Claims 6 and 17 have been cancelled. Claims 1-5, 7, 8, and 11-21 are now pending. The Amendment is sufficient to withdraw the 35 U.S.C. 103 rejections as set forth in section 3 of the last Office Action.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-5, 7, 8, and 11-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manning et al. (U.S. Patent No. 4,755,421) in view of James et al. (U.S. Patent No. 5,674,591), Gordon et al. (U.S. Patent No. 5,763,332) and Pregozen (U.S. Patent No. 5,141,803).

Manning et al. disclose a wiper including a nonwoven web made of special blend of cellulosic fibers held together only by friction and naturally occurring hydrogen bonding. The nonwoven fibrous web is produced by subjecting a wet-laid web of cellulosic fibers to hydroentanglement (Abstract). The reference further teaches that wet wipes usually are stacked and wrapped in a liquid-tight package while maintained in a liquid preservative composition containing an anti-microbial agent comprising about 50 to 300 percent by weight of the dry wiper weight. The wetting liquid can include

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water and often it will contain bactericides and other biological control agents, as well as perfumes and emulsifiers to disperse those ingredients, and it may be maintained at an acid pH level to further inhibit growth of organisms over sufficiently long time periods (column 1, lines 45-55). Further, the reference teaches that the web has a basis weight in the range of 20-90 grams per square meter (claim 1). Manning et al. does not disclose that the hydroentangled web has a three dimensional pattern of discrete, raised fibrous regions. James et al. disclose nonwoven fabrics having a raised portion integrally forming a three dimensional pattern projected out of the planar background portion, wherein both portions have equal basis weight and density (claim 1). James et al. further provide a transition region between the raised portion and background portion having a different basis weight (claim 2). James et al. teach this process can be applied to hydroentangled fabrics (column 2, lines 53-68). It would have been obvious to one having ordinary skill in the art to provide the hydroentangled web of Manning et al. with a three dimensional pattern in order to improve the aesthetics of the wipe, as taught by James et al. Although Manning et al. disclose the use of emulsifiers in the wetting liquid of the wipe, the reference fails to disclose the use of anionic surfactants. Gordon et al. disclose wet-like cleaning wipes and teach the use of anionic detergent surfactants (column 17, lines 51-52). It would have been obvious to one having ordinary skill in the art to incorporate anionic surfactant into the wipe provided by Manning et al. in order to improve the cleaning performance of the article when the internal polar phase of the emulsion is released as disclosed by Gordon et al. (column 17, lines 45-47). Both Manning et al. and Gordon et al. fail to teach the amount of other elements in the

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cleansing composition. Pregozen discloses an aqueous composition for impregnating a nonwoven wipe having a pH of from 3.5 to 4.5, and moistened wipe with the aqueous composition (Abstract). Pregozen discloses concentrations of 0.2 to 10 weight % for skin moisturizers and humectants and 0.02 to 5 weight % for skin softeners and emollients (column 4, lines 40-44). The surfactant will generally be employed at a concentration of 0.02 to 10 percent by weight basis on the weight of the aqueous compositions (column 4, lines 60-62). Pregozen also teaches the use of citric acid to adjust the pH of the composition (column 4, lines 20-26). The reference also teaches the use of a preservative system, using cationic biocides in the ranges of about 0.03 to about 0.24% of the aqueous composition (column 4, lines 9-13). It would have been obvious to one having ordinary skill in the art to modify the nonwoven fabric disclosed by Manning et al. to have an aqueous cleansing composition with an acid, moisturizing agent, and an anti-microbial active agent for the purpose of providing consumers with an alcohol-free wipe that has anti-microbial effects, as taught by Pregozen.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-5, 7, 8, and 11-21 have been considered but are moot in view of the new ground(s) of rejection.
5. Applicant argues that the James et al. reference does not provide a hydroentangled substrate. However, James et al. discloses the invention is practiced with a hydroentangled web (column 2, lines 53-68).

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6. Applicant argues that Gordon et al. teach away from adding anionic surfactant to emulsifiers. The Examiner agrees that Gordon et al. warn from using significant levels, but certainly do not teach away from using it. Additionally, Gordon et al. teach anionic surfactants up to 2%, which falls within Applicant's claimed range of 0.5 to 12.5%.

7. Applicant argues the wipes of Pregozen do not exhibit the softness and density characteristics of the present invention. While this may be true, the Pregozen reference was not used in any way to show a feature of the wipe material. Pregozen was used to show various ingredients and amounts of the cleansing material that is applied to the nonwoven web provided by Manning et al.

8. Applicant argues that combining the teachings of Manning, Gordon, and Pregozen would result in a hydroentangled substrate comprising a two-phase emulsion and a biocidal preservative system. Applicant is reminded that when combining references, not all teachings from the reference are necessarily incorporated into the rejection. Each reference may only need to exhibit one or two features, but that does not necessarily mean that every other aspect of the reference is wholly incorporated into the rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy R. Pierce whose telephone number is (703) 605-4243. The examiner can normally be reached on Monday-Thursday 7-4:30 and alternate Fridays 7-4.

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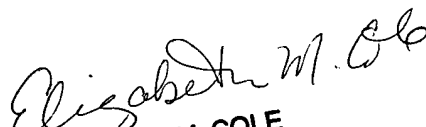
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (703) 308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Jeremy R. Pierce  
Examiner  
Art Unit 1771

July 17, 2002



ELIZABETH M. COLE  
PRIMARY EXAMINER